

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORENZO ANTHONY,

Plaintiff,

Case No. 4:03-cv-87

v.

Hon. Wendell A. Miles

LEE GILMAN and ANNE MICHELIN,
in their official and individual capacities,

Defendants.

ORDER ON PLAINTIFF'S OBJECTIONS TO EXHIBITS

This matter is before the court on objections by plaintiff to certain exhibits which the defendants plan to introduce into evidence at trial. These include a letter from plaintiff to defendant Michelin and a picture of plaintiff's prison cell wall on which he wrote derogatory and arguably threatening statements directed to defendant Michelin. Although plaintiff has not filed a motion in limine to exclude these proposed exhibits, he has made his objections known, and the defendants have responded to those objections.¹

Plaintiff argues that the defendants desire to use these exhibits for the improper purpose of arousing sympathy for defendant Michelin and to persuade jurors that it would be acceptable to violate his constitutional rights because he is a bad person. However, the defendants

¹The court has considered all arguments plaintiff has made of record regarding these exhibits, including those which he has included in his "Reply Brief in Support of Plaintiff's Motion *In Limine* to Exclude his Criminal Record, Criminal Records of Other Prisoner Witnesses, and His Prison Discipline Record." The exhibits have been provided to the court in the defendants' bench book of exhibits and argued by them in their trial brief and in "Defendants' Response to Plaintiff's Objections."

argue that the letter and photograph are relevant to prove that plaintiff had an ulterior motive in bringing the lawsuit, namely, his preoccupation or obsession with defendant Michelin, a female correctional officer. The court concludes that this is an acceptable purpose for introduction of this evidence under Fed.R.Evid. 404(b), and that the probative value of this evidence is not outweighed by any of the dangers enumerated in Fed.R.Evid. 403. Plaintiff's objections to these exhibits are therefore overruled.

Entered this 2nd day of December, 2005.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge